

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

(Fairfield, California)

WOODARD CHEVROLET, INC. d/b/a  
WOODARD CHEVROLET 1/

Employer

and

MACHINISTS AUTOMOTIVE TRADES DISTRICT  
LODGE NO. 190, LOCAL LODGE NO. 1173,  
INTERNATIONAL ASSOCIATION OF MACHINISTS  
AND ALLIED TRADES, AFL-CIO.

Petitioner

**20-RC-17541-1****DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 2/
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer. 3/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 4/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 5/

All full-time and regular part-time service technicians, body repair employees, painters and trainees, including lube employees employed by the Employer at its Fairfield, California facility; excluding all other employees, guards and supervisors as defined in the Act.

**DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll

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period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by MACHINISTS AUTOMOTIVE TRADES DISTRICT LODGE NO. 190, LOCAL LODGE NO. 1173, INTERNATIONAL ASSOCIATION OF MACHINISTS AND ALLIED TRADES, AFL-CIO.

#### LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB. Wyman-Gordan Company, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. North Macon Health Care Facility, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in the Regional Office, 901 Market Street, Suite 400, San Francisco, California 94103, on or before **August 19, 1999**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

#### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by **August 26, 1999**.

Dated August 12, 1999

at San Francisco, California

/s/ Robert H. Miller  
Regional Director, Region 20

- 1/ The name of the Employer is in accord with the stipulation of the parties.
- 2/ The parties stipulated, and I find, that the Employer is a California corporation that operates an automobile dealership at 2501 Martin Road, Fairfield, California, where it is engaged in the sale and service of new and used vehicles. During the 12-month period preceding the hearing, the Employer had gross sales in excess of \$1 million and purchased and received goods and materials valued in excess of \$50,000 directly from suppliers located outside the State of California. Based on the parties' stipulation to such facts, I find that the Employer is engaged in commerce within the meaning of the Act and that it will effectuate the purposes and policies of the Act to assert jurisdiction in this case.
- 3/ The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of the Act.
- 4/ The parties stipulated, and I find, that there is no contract bar to this proceeding.
- 5/ The Petitioner seeks to represent the following unit of employees: All full-time and regular part-time service technicians, body repair persons, painters and trainees employed by the Employer at its Fairfield, California location; excluding all other employees, guards and supervisors as defined in the Act. The Employer contends that in order to be an appropriate unit, the petitioned-for unit must include all employees of the service and body and paint shop departments.

Stipulations. The parties stipulated, and I find, that utility person Brad Lionberger is a temporary employee who should be excluded from the unit because he is a student who will return to school in the fall. The parties further stipulated, and I find, that Body Shop Manager Rick Violette and Parts Manager Elmer Smith should be excluded from the unit as supervisors under the Act.

Background. The Employer operates an automobile dealership, parts and service department, body and paint shop and detailing department in Fairfield, California. Parts and Service Director Howard Pilon oversees employees in all of these departments. The Employer has no separate service manager. Dispatcher Ed Bettencourt serves as acting assistant service manager but it is Pilon who hires, fires and disciplines employees in the service department. Body Shop Manager Richard Violette oversees the body shop employees and painters. Parts Manager Elmer Smith oversees the parts department.

The body repair and preparation areas and paint department, as well as the detailing department and car wash are located behind the service department and are separated by walls. The parts department is located next to the service department and the offices of Dispatcher Bettencourt, Parts and Service Director Pilon adjoin the service department. Offices for the Employer's service writer and warranty repair employee are also located next to the service department.

The Body and Paint Shop. The body shop is located about 100 feet from the paint shop and there is an office between them where Body Shop Manager Violette has his desk. Repair orders in the body shop are generated by Violette or the Assistant Body Shop Manager, Ella

DeMarchi. DeMarchi works a shift from 9 a.m. to 5 p.m. in the office where the body shop manager works. She does not work with the tools of the trade.

The body shop is comprised of the painting portion and the metal and body work portion. There are walls enclosing the paint shop.

The Employer has two painters, Willie San Nicolas and Jeff Bricker. San Nicolas testified that he had 10 years of experience with other employers and with the government before starting work for the Employer and that he has been employed by the Employer for about three and a half years as a painter. Nicolas testified that he went to Solano Community College in 1984 and took a two and a half year course in auto-body repair and paint and was certified by that college. Nicolas also has an I/CAR certification which required him to take an 8 hour course that covers color matching and basic refinishing. He has also taken two eight-hour General Motors (GM) courses, one of which involved basic refinishing; and DuPont courses which involved BOC regulations for over-spray rules for the San Francisco Bay Area. The DuPont courses were 16-hour courses over 2 days.

San Nicolas testified that he works about 3 out his 5 work days in the paint booth for about 3 to 6 hours. While working in the paint booth, he wears protective clothing and a respirator. He testified that only one person can use the paint booth at a time and generally he and Bricker use the booth on the same days. San Nicolas testified that he and Bricker seldom work together unless one requires assistance in his job. According to San Nicolas, when he needs help, it is usually the other painter, Jeff Bricker, or body work employee Cameron Lewis, who help him.

Both San Nicholas and Bricker perform their own preparation work which involves sanding and priming cars and mixing paint colors. Such preparation work requires the use of a sand block and spray gun and masking tape to tape off the areas of the car not being painted. Mixing colors also requires the use of a computer to determine the paint color formula.

San Nicolas and Bricker also perform light body work within the paint shop area because the body shop is understaffed. Light body work involves removing small dents using a grinder and a dual action sander. San Nicolas and Bricker also do any necessary welding on car panels in connection with such light body work.

San Nicolas works from 8 a.m. to 4:30 p.m. However, his hours fluctuate depending on the jobs he must do. He is paid on a flat rate basis, meaning that each job is assigned a certain number of hours at a flat rate of pay and he earns that amount for the job regardless of whether it takes him more or less than the allotted hours to do the job. San Nicolas testified that if he notices that additional work needs to be done on a car, he brings the matter to Violette's or DeMarchi's attention. The painters do not receive any additional compensation (i.e., bonus or incentive) for selling additional work or parts to a customer. All body shop, paint department and parts department employees wear similar Employer T-shirts.

The painters sometimes communicate with customers who have questions about work being done. Painters supply their own tools, which include spray guns, sockets, air ratchets, masks

and gloves. The Employer provides respirators. San Nicolas testified that his tools are worth about \$1000 and his spray gun is worth about \$1500.

The Body Shop. Violette also supervises the two employees who regularly work in the body shop, Gerald Perotti and Cameron Lewis, who perform major collision repair work.

According to San Nicolas, the workers in the body shop also supply their own tools which are worth between \$2000 and \$3000 or more. San Nicolas testified that they “probably have their Automotive Service Excellence (ASE) certification.” The record does not disclose the actual qualifications required by the Employer when it hires new paint or body shop employees. Nor does it disclose what certifications or training the other painter, Jeff Bricker, or any of the body shop employees, actually possess. However, the Employer does not appear to dispute that body shop employees Perotti and Lewis and painters San Nicolas and Bricker are experienced journeymen who are qualified in their areas of work.

The Detail Department. The Employer has a Detail Manager/Foreman Lewis King, who also spends 50 to 60 percent of his time doing detailing work. According to Parts and Service Manager Pilon, King does not hire or fire employees or sign their evaluations. Utility men/detailers Dan Westover, Eddie Swisher and Brad Lionberger also work in the body shop. As indicated above, the parties have stipulated that Lionberger is a temporary employee who should be excluded from the unit.

The detailers generally work in the rear of the service department and at the car wash where they detail and park vehicles. Detailers or porters also use power pushers to move cars that are not working. Detailers also serve as valets to bring customers cars around to them when they are being picked up.

Detailers do detail work on all new cars at the dealership after the PDI (pre-inspection delivery) is done by the service technicians and lube and oil men as described below. This involves removing the plastic coverings from the vehicle, polishing the vehicle, installing the license plate frame on the vehicle and cleaning the vehicle for general sale.

The record discloses that Detailer Dan Westover spends most of his time detailing cars which involves cleaning them to factory specifications. In doing such work, Westover washes, waxes, and buffs the vehicle and cleans the interior of the vehicle. On occasion, he also uses a screwdriver and wrench to remove license plates and alarms in order to do his detailing work. He also uses a vacuum cleaner to clean the inside of the cars and cloths to polish cars. Detailers also apply fabric protection to the interior and paint sealer to the exterior of the cars. In applying paint sealers, they use a compressed air paint spray gun.

Westover also helps out in the body shop and assists in body shop repair functions. After cars are completely painted and assembled, he does the detailing work before the car is presented to the customer. He also helps occasionally with the assembling of vehicles in the shop, including installing bumpers, doors and mirrors. Additionally, Westover also performs general maintenance around the shop. The record reflects that Westover has his own tool box and has basic tools such as ratchets and hammers.

Painter San Nicolas testified that Manager Violette wants Westover to be an apprentice painter and that a week or two prior to the hearing, Violette sent Westover to the paint shop to help out and he (San Nicolas) showed him how to sand a car. According to San Nicolas, this was the only time Westover has helped him in the paint shop. San Nicolas testified that Westover works more on the body side of the shop rather than the paint side. San Nicolas further testified that he has observed the body shop employees training Westover and has observed Westover helping with body work such as body pulls which require assistance. The record does not disclose the percentage of time Westover spends performing apprentice type work as opposed to his usual detailer and maintenance work.

The record reflects that Westover begins work at 9 a.m. Although he is hourly paid, his rate of pay is not disclosed in the record.

The Service Department. The service area has 8 or 9 small bays with racks for servicing vehicles. The Employer has 9 service technicians who are supervised by Parts and Service Director Pilon and who perform the major mechanical repairs on all vehicles serviced by the Employer. Assistant Manager Bettencourt assigns work for each service technician by placing a repair order in a technician's slot or by handing it directly to a technician. When Bettencourt is on vacation, Howard Pilon substitutes for him. The record reflects that Bettencourt is salaried and eligible for a commission based on total sales.

Service Technician Eduardo Swisher testified that he has worked for the Employer for fifteen and a half years. He testified that he had taken a one year course from the Arizona Automotive Institute and was formerly a manager of a Union 76 gas station. In addition, Swisher has gone through the GM school. Although he was ASE certified, he has not renewed his certification. He testified that his tools are worth about \$32,000

The record reflects that the service technicians have their own uniforms which are gray with a black stripe. They also sometimes wear a white T-shirt like the body shop employees. The Service technicians punch a timeclock.

Service technicians are paid a standard flat rate of pay based on an industry manual that sets forth the standard rates for different types of repairs. Unlike the body shop employees, the service technicians earn a bonus for selling additional repairs to a customer. When they notice that additional repairs should be made on a car, they determine the cost of the parts required from the parts department, and notify assistant manager/dispatcher.

According to Pilon, the service technicians interact with the parts department employees on a daily basis (i.e., about 4 to 5 times per day). When service technicians are finished making a repair, they turn the repair order back in to the dispatcher who in turn gives it back to the service advisor.

Sometimes the service technicians interact with the customer or service advisor in trying to diagnose a problem with a car. Swisher further testified that about once or twice a week, he interacts with Booker Lynn Pressley in order to explain to her what he's written on a repair order form. He also testified that he talks to Kolves about three times a week about a work-related concern.

As noted above, as with regard to the body shop and paint shop employees, the record does not disclose the required or actual qualifications, training or certifications of the other 8 service technicians. Nor does the record disclose the tools provided by the other 8 service technicians. The record also does not disclose the specific rates of pay for the service technicians. However, the Employer does not dispute that they are qualified, certified mechanics.

Lube Employees. The Employer also has 2 lube employees, Robert Covey and Glen Vanbushirk, who perform mostly oil, lube and filter work. Neither is a journeymen service technician but both are in training to become journeymen service technicians. They are hourly paid and are assigned their own rack areas. Covey also installs fan belts and brake pads, turns rotors and does other light mechanical maintenance work. Swisher testified that Covey supplies his own tools which consist of sockets, air tools and brake tools. According to Swisher, Covey's tool box is about half the size of Swisher's. The lube employees are hourly paid at a rate of approximately \$10 to \$12 an hour.

The record reflects that the service technicians and lube employees perform PDI work (pre-inspection delivery work) on all new vehicles at the dealership. This work involves checking fluid levels; making sure all equipment operates correctly; installing hub caps; roof racks; and running boards.

Booker Lynn Pressley. Pressley has an office next to Pilon's office. She is responsible for transcribing all the information from repair orders onto computer forms to give to the customer, including the cost of the repair. Pressley confers with the service technicians 3 or 4 times a day, such as when she has difficulty understanding what they have written on a repair order.

Warranty Claims Administrator Sheryl Kolves. Kolves ensures that the vehicle manufacturer pays the Employer for work covered under warranty. As indicated above, service technician Swisher testified that he talks to Kolves about 3 times a week about work-related concerns. The warranty clerk is required to wear a uniform which includes the same type T-shirt worn by the painters and body repair employees. According to Manager Pilon, Kolves has had technical training however, the record does not disclose what such training consists of. Kolves does not work with the tools of the trade and performs no work on vehicles.

Greeter Jennifer Sandle. Sandle greets arriving customers, invites them into the dealership and checks to see if they have a scheduled appointment. If a customer does not have an appointment, she checks with the dispatcher to see if the vehicle can be serviced that day. Appointments are made with Sandle or one of the service advisors. Sandle is hourly paid and does not work with the tools of the trade. She works from 7 a.m. to 1 p.m.

Service Advisors. The Employer has four service advisors all of whom perform the same job function. They are supervised by Pilon. The service advisors are the employees who primarily interact with customers. All service advisors work an 8 hour day. Between two and four of the service advisors are on duty at the same time. Two of the service advisors open the shop at 7 a.m.; one arrives at 7:30 a.m.; and one arrives at 8 a.m. Repair orders for

the service department are prepared by the service advisors. The service advisors input a customer's repair information into the Employer's computer and obtain a computer printout sheet with that information that the customer signs. The service advisors occasionally work with tools such as screwdrivers, wrenches and pliers and perform tasks such as changing windshield wipers. They are salaried and earn a bonus, based on a percentage their individual sales, that ranges from \$300 to \$700 a pay period. Service advisors do not attend GM training classes like the service technicians and body and paint department employees. Service advisors wear a uniform consisting of a shirt with a collar that is different from that worn by the service technicians. Pilon testified that although the service advisors are paid differently than the service technicians and paint and body shop employees, their pay is comparable. The actual pay rate figures are not set forth in the record.

The Parts Department. The parts department is headed by Parts Manager Elmer Smith who is stipulated to be a statutory supervisor. There are two parts counters, one for retail customers and one used by the service technicians. The parts department includes parts counter employees and parts runners. There are 4 parts counter employees, Kathy Hogenboom, Adam England, Thomas Gorman and Frank Imburgio. Gorman also is an outside sales person for the Employer and is away from the dealership about 60% of the time. Service technicians go to parts window to get parts or submit a parts requisition form. The parts counter employees check the computer to make sure that the part is available. There are also 2 parts drivers, John Warlick and Marian Buslett, who pick up and deliver parts; and put away stock. The parts drivers drive the Employer's van and pick up truck to do their job.

Porter/Shuttle Drivers. The Employer also employs porters, including Douglas Frey, whose job is park cars. Frey also drives customers to work who are dropping off their cars to be serviced. Frey is also responsible for cleaning the service Area. In addition, the Employer employs Adam Danko, and brothers Chris and Brian Violette as porters. Chris and Brian Violette are also considered detailers. The porters are hourly paid and can earn overtime. They are not eligible for bonuses. Porters wear the same uniform as the service technicians.

Parts and Service Cashier. The Employer also employs a parts and service cashier. However, the record contains little evidence about this employee.

Interchange. The record reflects that the Employer has a practice of promoting from within and that a number of employees have transferred from one position to another. Thus, Ed Bettencourt started work as a booker and became a service advisor and then a dispatcher. N. S. Sandle, who first worked in the body shop, became a detailer. Lynn Pressley first worked in the body shop and then became the Employer's booker. Body shop employee Cameron Lewis started working for the Employer as a detailer. The record does not disclose what position Sandle held in the body shop, the type of work he performed, his training or whether he possessed any certifications. Lewis King began work as a custodian; then became a shuttle driver; and next became a detailer. He is currently the foreman of the detailing department. Stacy Molng was a booker who became a service advisor about 2 years prior to the hearing in the instant case. Alan Angelman started out as a parts driver and became a parts counterperson. The Employer recently offered Robert Taylor, a service technician, a job as a service advisor but Taylor declined the offer.



Bargaining Practice. The Petitioner's business representative, Vernon Dutton, testified that he was aware of some bargaining units in the same geographic area as the Employer which were limited to service technicians and body repair employees. However, the collective-bargaining agreements introduced into the record for Barber Chrysler Plymouth and Wilson Cornelius Ford in Vallejo, a city about 10 miles from Fairfield, included utility worker classifications for utility employees who worked in the body shop. Further, it appears that neither contract was the result of a Board certified election.

Employer Policies and Benefits. All employees receive the same Employer handbook; are subject to the same Employer rules; use the same conference room for meetings; use the same parking lot; and are eligible to receive the same benefits.

Analysis. Section 9(b) of the Act provides that the Board "shall decide in each case whether the unit appropriate for the purposes of collective-bargaining shall be the employer unit, craft unit, plant unit, or a subdivision thereof." In deciding the appropriate unit, the Board first considers the union's petition and whether that unit is appropriate." *P.J. Dick Contracting*, 290 NLRB 150, 151 (1988). The Board does not compel a petitioner to seek any particular appropriate unit. As the Board stated in *Overnite Transportation*, 322 NLRB 723 (1996), "The Board's declared policy is to consider only whether the unit requested is an appropriate one, even though it may not be the optimum or most appropriate unit for collective-bargaining." As stated by the Board in *Morand Bros. Beverage Co.*, 91 NLRB 409, 418 (1950), enf'd on other grounds, 190 F.2d 576 (7<sup>th</sup> Cir. 1971):

"There is nothing in the statute which requires that the unit for bargaining be the only appropriate unit, or the ultimate unit, or the most appropriate unit; the Act only requires that the unit be "appropriate."

Thus, in *Overnite Transportation, supra*, the Board noted that "[a] union is, therefore, not required to request representation in the most comprehensive or largest unit of employees of an employer unless "an appropriate unit compatible with that requested unit does not exist." *P. Ballantine & Sons*, 141 NLRB 1103, 1107 (1963).

The test applied by the Board to determine whether employees share a community of interest with other unit employees is whether there are (1) differences or similarities in wages, compensation and benefits; (2) whether that employee shares common supervision with other unit employees; (3) whether that employee has similar hours of work as other unit employees; (4) differences or similarities in qualifications, training and job skills; (5) job functions; (6) frequency of contact with other unit employees; (7) functional integration and interchange with other unit employees; and (8) bargaining history. See *P.J. Dick Contracting, Inc.*, 290 NLRB 150, 151, (1988); *Kalamazoo Paper Box Corp.*, 136 NLRB 134 (1962).

The Board will also find that unit comprised of employees possessing skills and training unique among other employees to constitute a group of craft employees within an automotive department, and therefore, may, if requested, be represented in a separate unit. See *Fletcher Jones Las Vegas d/b/a Fletcher Jones Chevrolet*, 300 NLRB 875 (1990); *Dodge City of*

Wauwatosa, 282 NLRB 459 (1986). Quick service technicians may also be included in such craft units. *Ibid*.

In the instant case, the Petitioner seeks a unit comprised of skilled service technicians, skilled body work employees and skilled paint employees and their trainees which in the instant case are the lube employees who are training to be service technicians. This is plainly not a petition for a single craft unit but I find, nonetheless, that the petitioned-for employees share a sufficient community of interest to constitute an appropriate unit. As indicated above, unions are not required to petition for the most appropriate unit but only an appropriate unit. In the instant case, the unit sought, with the exception of the two lube employees, appears to be comprised of qualified skilled journeymen mechanics, body repair employees and painters. They are all paid a flat rate for their work, albeit the determination of that rate is made based on the industry standard for service technicians and based on individual jobs for the body employees and painters.

Although the record does not disclose the qualifications, training and skills of all of the petitioned-for employees, the record reflects that those employees who testified at the hearing were skilled journeymen in their trades and the Employer does not dispute that its service technicians, body repair persons and painters are skilled journeymen. Further, the skilled nature of the manual work they perform separates them from most of the Employer's other employees. There is no showing that other employees perform the type of work they perform or that they perform work of an unskilled nature other than moving cars out of the way after they have completed their repairs or performing lube, oil and filter jobs as part of larger service jobs they are doing. The petitioned-for employees are also distinct from other employees because they supply their own tools which are worth thousands of dollars. Although the service technicians work in separate areas and apparently have minimal interactions with the body repair and paint employees, the record shows that the paint employees perform some light body work and have regular contact with the body repair employees when they need assistance from each other.

I do not find that the inclusion of the lube employees in the unit runs counter to a finding that the petitioned-for unit is an appropriate unit. Thus, the lube employees, though hourly paid, are learning the skills of the mechanics and regularly perform hands-on mechanical type work on vehicles using the tools of the trade, unlike the other employees not sought by the Petitioner.

While the record reflects that there is contact between the petitioned-for employees and other employees in the parts and service department and there has been some interchange has taken place among them, I do not find it sufficient to negate the common interest shared by the petitioned-for employees due to their being skilled tradespersons, who perform hands-on manual work, and who are compensated in a similar manner.

Although the record discloses that the Petitioner has collective-bargaining agreements with two dealerships where utility workers have been included in units with skilled auto repair employees, I do not find this limited evidence of bargaining practice to be controlling to the determination presented herein.

Nor do I find the Decision and Direction of Election in Case 20-RC-10311 (1971), involving the Employer and the Petitioner's predecessor to be dispositive of the issue presented herein.

In that case, unlike the instant case, the issue presented was whether the unit sought by the union, which included non-skilled manual laborers and plant clerical/desk employees with mechanics, body and fender employees and painters, constituted an appropriate unit or whether it must include other plant clerical type employees. Thus the decision in that case did not address the question presented in the instant case, i.e. whether a unit of skilled employees in different trades would constitute an appropriate unit. Accordingly, that decision is not controlling in the instant case.

I also do not find that the petitioned-for unit of skilled trades persons must include employees who are largely customer-contact and/or desk/computer type employees such as the service advisors, warranty claims administrator, greeter or parts department employees. These employees do not have the training as the petitioned-for employees. Further, they perform jobs that are different in nature from those performed by the petitioned-for employees; they are compensated on a different basis; and, in the case of the parts department employees and detailers, have separate immediate supervision.

Nor do I find that the detailers, who clean and shuttle vehicles for the Employer, unit must be included in the unit. The detailers appear to have separate immediate supervision or oversight in the person of King; are paid on an hourly instead of a flat rate basis; are not required to supply their own tools; and have not had the training of the service technicians, body repair employees or painters. Further, while the detailers may occasionally remove license plates or mirrors from vehicles in the course of their work, there is no showing that they spend a substantial portion of their time engaged in work like that performed by petitioned-for employees. With regard to Utility Man/Detailer Dan Westover, the record shows that he spends the majority of his time performing regular detailing work. While there is some evidence that he may occasionally help out in the body and paint shop and the Employer may want him to train as an apprentice painter, the record is not sufficient to establish that he spends any significant amount of time acting as an apprentice in these shops to warrant his inclusion in the unit. Similarly, I find that the porters and shuttle drivers are properly excluded from the unit.

As indicated above, the Petitioner herein does not seek a traditional single craft unit but a unit of combined tradespersons. Thus, in reaching my conclusions herein, I have applied the Board's traditional community of interest criteria, which take into account the level and type of skills, training and job functions of the petitioned-for employees vis-à-vis their co-workers.

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